GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Servants - Revenue - State Tax Department - Allegations of corruption against Sri Cherukupalli Surya Prakash, CTO, (Audit), O/o. DC (CT), Nellore-Criminal Case registered under Prevention of Corruption Act- on the allegations of possession of assets disproportionate to known source of income - Prosecution orders issued - Withdrawal of prosecution - Orders - Issued.

REVENUE (VIGILANCE-VI) DEPARTMENT

G.O.Ms.No.362

Dt.31.07.2023

Read the following:-

1. From the DG, ACB, Hyderabad, Rc.No.84/RCA-CIU/2016, dt:22.7.2016.
2. From the DG, ACB, Hyderabad,Rc.No.84/RCA-CIU/2016,dt: 05.02.2018
3. G.O.Ms.No. 375, Revenue (Vig.II) Department, dt: 10.07.2018.
4. G.O.Ms. No.480, Rev(Vig.11)Dept, dt: 27.11.2019.
5. G.O.Rt. No.1409. Rev(Vig.11)Dept, dt: 27.11.2019.
6. From Sri Cherukupalli Surya Prakash, CTO, (Audit), O/o. DC (CT), Nellore, representation, Dt: Nil

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O R D E R:

Whereas, a criminal case has been registered against Sri Cherukupalli Surya Prakash, formerly CTO, O/o. DC(CT), Nellore, under sec. 13(2) r/w 13 (1) (e) of the P.C. Act 1988 on 06-08-2015 by the ACB, CIU, AP, Hyderabad, based on allegations of possessing assets disproportionate to his known sources of income. Simultaneously, a search was conducted on the residential and office premises of Sri Cherukupalli Surya Prakash, his relatives, and close associates for the purpose of investigation. The check period for the computation of Assets, Income, and Expenditure of Sri Cherukupalli Surya Prakash was taken from 15-12-1981 to 7-8-2015.

2. Whereas, in the reference 2nd read above, the D.G., ACB, Hyderabad has stated that Sri Cherukupalli Surya Prakash, Commercial Tax Officer (Audit), O/o Deputy Commissioner, Commercial Taxes, Nellore, SPSR Nellore District, is alleged to have acquired Assets in his name and in the names of his family members during the check period, amounting to Rs. 1,63,45,373/- (One Crore Sixty Three Lakhs Forty Five Thousand Three Hundred and Seventy Three Only). His total income from known sources during the said check period was Rs. 86,37,389/- (Eighty-Six Lakhs Thirty Seven Thousands Three Hundred And Eighty-Nine Only), while the total expenditure incurred was Rs. 55,39,026/- (Fifty Five Lakhs Thirty Nine Thousands and Twenty Six only). The likely savings during the check period amount to Rs. 30,98,323/- (i.e., Total income of Rs. 86,37,389/- minus Total expenditure of Rs 55,39,026/-).

3. Whereas, the D.G., ACB, Hyderabad in his final report has further stated that Sri Cherukupalli Surya Prakash, Commercial Tax Officer (Audit), O/o Deputy Commissioner, Commercial Taxes, Nellore, SPSR Nellore District, possessed Disproportionate Assets of Rs. 1,32,47,010/- (One Crore ThirtyTwo Lakhs Forty Seven Thousand and Ten Rupees only) (Total Assets of Rs. 1,63,45,373/- minus Likely Savings of Rs. 30,98,363/-), which were allegedly acquired through corrupt and dubious means. The acts of Sri Cherukupalli Surya Prakash, Commercial Tax Officer (Audit), O/o Deputy Commissioner, Commercial Taxes, Nellore, SPSR Nellore District, are punishable under Section 13(2) read with 13(1)(e) of Prevention of Corruption Act, 1988 (Central Act 49 of 1988).

4. Whereas, in the reference to the 3rd read above, the Government, after careful examination of the material presented, including the F.I.R., Preliminary & Final Reports, Inventory Reports, documents, and statements of witnesses, along with the explanation submitted by Sri Cherukupalli Surya Prakash, issued prosecution orders under sections 13(2) read with 13(1)(e) of the Prevention of Corruption Act, 1988 (Central Act 49 of 1988) following due process of law.

(P.T.O)

5. And whereas, in the reference 5th read above Sri Cherukupalli Surya Prakash, formerly CTO, O/o. DC(CT), Nellore submitted a representation to Government and he claims that the Investigating Officer, (ACB) initiated the case with a pre-conceived notion, failing to conduct a proper and impartial investigation supported by evidence. He argue that no prima facie case was established against him, and irrelevant documents were included without due consideration. The Investigating Officer misuse his powers and the potential abuse of prerogative powers by the Anti-Corruption Bureau (ACB). These issues raise doubts about the fairness and validity of the case. The accused officer contends that their reputation, family, and future have been irreparably harmed due to the I.O's alleged misconduct.

6. Whereas, the Accused Officer furnished a detailed representation and submitted various sources of income, including Rental Income, income from Tuition fees, and Agriculture Income along with those of his wife. He also provided expenditure particulars, details of fixed assets, movable assets, information about LIC policies, details of gifts, and sthreedhanam received, etc. The abstract of details of the Assets, Income, and Expenditure of him and his wife submitted by the AO during the said check period is as follows:

Name	Total Income of the check period	Total Expenditure of the check period	Total Actual Assets Value	Surplus/Deficit
Ch. Surya Prakash (A.O)	1,20,30,451	Rs.29,64,965	Rs.28,03,023	(+)Rs.62,62,463
Ch. Sumalatha (wife of AO)	92,23,450	----	Rs.82,17,985	(+)Rs.10,05,465
Total	2,12,53,901	Rs.29,64,965	Rs.1,10,21,008	(+)Rs.72,67,928

7. Now, Government have re-examined the case with reference to the material available on records and taking into consideration of the representation of the individual in the reference 5th read above and after careful examination hereby decide and withdraw the prosecution sanction orders issued in the reference 3rd read above against Sri Cherukupalli Surya Prakash, Commercial Tax Officer (Audit), O/o Deputy Commissioner, Commercial Taxes, Nellore, SPSR Nellore District.

8. The DG, ACB, is therefore requested to direct the concerned Public Prosecutor to withdraw the prosecution filed against Sri Cherukupalli Surya Prakash, Commercial Tax Officer (Audit), O/o Deputy Commissioner, Commercial Taxes, Nellore, SPSR Nellore District.

9. The Director General, Anti Corruption Bureau, AP, shall take necessary further action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

N.GULZAR
SECRETARY TO GOVERNMENT

To
The Director General, Anti Corruption Bureau, Andhra Pradesh,
Vijayawada.
Copy to:
The Secretary, A.P. Vigilance Commission, Secretariat, Hyderabad.
SF/SC

//FORWARDED :: BY ORDER//

SECTION OFFICER